

Exhibit 93 to the Cobb Declaration
(Dkt. No. 316-9)

1
2 UNITED STATES DISTRICT COURT
3 FOR THE WESTERN DISTRICT OF WASHINGTON
4 AT SEATTLE

5
6 IN RE VALVE ANTITRUST LITIGATION

7
8 Case No. 2:21-cv-00563-JCC
9

10
11
12 April 17, 2024
13 9:12 a.m.
14
15
16
17
18
19
20
21
22
23
24
25

DEPOSITION of JOOST RIETVELD,
pursuant to Notice, held at the offices of
MONTGOMERY, MCCrackEN, WALKER & RHOADS
LLP, 437 Madison Avenue, New York, New
York before Wayne Hock, a Notary Public of
the State of New York.

1 J. Rietveld

2 A. Yes, I am.

3 Q. Okay.

4 What are Steam keys?

5 A. These are alphanumeric codes
6 that could be distributed off of Steam and
7 that would give the recipient a license to
8 a product on Steam.

9 Q. And when you say they'd be
10 distributed off of Steam, how would -- how
11 would a gamer obtain the Steam key?

12 A. They could be given one or sold
13 one.

14 Q. And who would be the seller in
15 that situation?

16 A. One potential seller could be a
17 retailer who sells Steam keys.

18 Q. Do publishers ever sell Steam
19 keys themselves?

20 A. I haven't studied this, so I'm
21 unaware if they do or don't.

22 Q. Okay.

23 How does a -- do the publishers
24 obtain Steam keys themselves?

25 A. A publisher would request Steam

1 J. Rietveld

2 keys from Valve.

3 Q. Okay.

4 And would they pay Valve for the
5 Steam keys?

6 A. As far as I understand, they do
7 not.

8 Q. When a game is sold to an end
9 user, an end user can go to Steam --

10 MR. BRESLAUER: Let's lay the
11 foundation here.

12 Q. Is it true that an end user can
13 go to Steam and purchase the game from the
14 Steam platform?

15 A. Any game?

16 Q. Any game that's available on
17 Steam.

18 A. If the game is not given away
19 for free, then they can purchase the game
20 on Steam.

21 Q. And if a Steam key is available,
22 they would obtain that from someone other
23 than Valve; correct?

24 A. That's correct.

25 Q. And when a customer buys a game

1 J. Rietveld

2 on Steam, does the publisher get
3 compensated in that transaction?

4 A. They could be.

5 Q. So how does the publisher earn
6 revenue from a sale on Steam?

7 A. An end user purchases the game
8 on Steam, the revenue's collected by
9 Valve, and then Valve sends a share of
10 that to the publisher.

11 Q. And if an end user obtains a
12 Steam key, if I understand you correctly,
13 the process then is that they present the
14 alphanumeric code to Steam and obtain
15 access to the game; is that correct?

16 A. Yeah, I've not studied the
17 underlying technicalities of how Steam
18 keys are redeemed.

19 Q. Have you ever redeemed a Steam
20 key yourself?

21 A. I'm pretty sure I have during my
22 time at Two Tribes.

23 Q. Did Two Tribes obtain Steam
24 keys?

25 A. They did.

1 J. Rietveld

2 Q. And did they use them for any
3 particular purpose?

4 A. From what I recall, the primary
5 reason we at Two Tribes used them was to
6 -- the two primary reasons we used them
7 was: A, to test the game running in the
8 Steam environment. Steam keys allow
9 publishers to give the recipient access to
10 those games on Steam before they're
11 commercially released. And the other
12 reason we used them was to distribute with
13 mostly expert reviewers and members of the
14 media who could then review our games
15 prior to their commercial release so that
16 their reviews would be aligned with the
17 commercial release of the game.

18 Q. Did Two Tribes sell any Steam
19 keys to end users?

20 A. I don't know.

21 Q. Do you know if Two Tribes sold
22 any Steam keys to resellers of Steam keys?

23 A. I don't know.

24 Q. Do you know if -- let me ask it
25 this way.

1 J. Rietveld

2 When a publisher obtains a Steam
3 key and distributes it in a sale
4 transaction to an end user, does the
5 publisher pay anything to Valve in
6 connection with that sale of the Steam
7 key?

8 MR. KAPOOR: I object to form and
9 foundation.

10 THE WITNESS: In the situation
11 that the publisher would sell the
12 Steam key to an end user, I don't
13 believe any revenue is passed back to
14 Valve.

15 Sorry, that's what you're
16 asking; right?

17 Q. Correct.

18 And would that also apply if the
19 publisher who obtained a Steam key sold
20 that to a reseller who ultimately sold it
21 to an end user?

22 A. I believe so, yes.

23 Q. Did Two Tribes offer its games
24 on any other distribution platforms for PC
25 games?

1 J. Rietveld

2 A. That's right, they did.

3 Q. And can you identify which ones?

4 A. There were a couple or a few of
5 them, but I don't recall their exact
6 names.

7 Q. Did Two Tribes develop Toki Tori
8 for more than one hardware type?

9 A. Can you define hardware types?

10 Q. Hardware platforms you might
11 say, like PCs or Nintendo, PlayStation.

12 A. Yes, they did. Versions of Toki
13 Tori were released on PC, mobile, and
14 Nintendo Wii.

15 Q. Was there a version for the Mac?

16 A. I believe so.

17 Q. And you stated earlier that
18 there were about eleven employees at Two
19 Tribes?

20 And did that include the
21 developers?

22 A. Absolutely.

23 Q. Did Two Tribes find it difficult
24 to create the game in a form that would be
25 playable on different platforms?

1 J. Rietveld

2 MR. KAPOOR: I object to form.

3 THE WITNESS: I recall it taking
4 effort, resources, and time to bring
5 Toki Tori to those different hardware
6 devices.

7 Q. But it was something that Two
8 Tribes was able to do; is that correct?

9 A. Yeah, that's correct.

10 Q. Did Two Tribes use any
11 particular software tools to create the
12 versions for the different hardware
13 platforms? To help it create those
14 different versions.

15 A. I'm pretty sure they did. They
16 would have an internally developed engine
17 to make games. My technical knowledge
18 with regard to developing games is
19 limited.

20 Q. Did you see an internally
21 developed engine?

22 A. That's right.

23 Q. So did they not use a
24 third-party engine for game development?

25 A. They might have used third-party